

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

**CHAPTER 13 PLAN
AND RELATED MOTIONS**

Name of Debtor(s): **Ottis Johnson Brown, Jr.**

Case No: **09-35871-KRH**

This plan, dated September 14, 2009, is:

- the *first* Chapter 13 plan filed in this case.
- a modified plan, which replaces the plan dated _____.

Date and Time of Modified Plan Confirming Hearing:

Place of Modified Plan Confirmation Hearing:

The plan provisions modified by this filing are:

Creditors affected by this modification are:

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than ten (10) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing. If no objections are timely filed, a confirmation hearing will NOT be held.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: **\$29,303.68**
Total Non-Priority Unsecured Debt: **\$58,472.00**
Total Priority Debt: **\$2.00**
Total Secured Debt: **\$14,500.00**

1. **Funding of Plan.** The debtor(s) propose to pay the trustee the sum of **\$475.00 Monthly for 60 months**. Other payments to the Trustee are as follows: **NONE**. The total amount to be paid into the plan is **\$ 28,500.00**.

2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.

A. Administrative Claims under 11 U.S.C. § 1326.

1. The Trustee will be paid 10% of all sums disbursed except for funds returned to the debtor(s).
2. Debtor(s)' attorney will be paid \$ **2,350.00** balance due of the total fee of \$ **3,000.00** concurrently with or prior to the payments to remaining creditors.

B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor	Type of Priority	Estimated Claim	Payment and Term
Commonwealth of Virginia	Taxes and certain other debts	1.00	Prorata 1 months
Internal Revenue Service	Taxes and certain other debts	1.00	Prorata 1 months

3. Secured Creditors and Motions to Value Collateral.

This paragraph provides for claims of creditors who hold debts that are secured by real or personal property of the debtor(s) but (a) are not secured solely by the debtor(s)' principal residence and (b) do not have a remaining term longer than the length of this plan.

A. Claims to Which § 506 Valuation is NOT Applicable. Claims listed in this subsection consist of debts secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor for which the debt was incurred within 910 days of the filing of the bankruptcy petition, or if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See § 1325(a)(5). After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the amount of the claim in column (d) with interest at the rate stated in column (e). **Upon confirmation of the plan, the interest rate shown below will be binding unless a timely written objection to confirmation is filed and sustained by the Court.** Payments distributed by the Trustee are subject to the availability of funds.

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Est Claim Amt	(e) Interest Rate	(f) Monthly Paymt& Estimate Term**
GEMB/Honda Card	Motor Vehicle: 2007 Honda 4 Wheeler	10/2008	3,001.00	3.25%	54.26 60 months

B. Claims to Which §506 Valuation is Applicable. Claims listed in this subsection consist of any claims secured by personal property not described in Plan paragraph 3.A. After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the replacement value as stated in column (d) or the amount of the claim, whichever is less, with interest at the rate stated in column (e). The portion of any allowed claim that exceeds the value indicated below will be treated as an unsecured claim. **Upon confirmation of the plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed and sustained by the Court.** Payments distributed by the Trustee are subject to the availability of funds.

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Replacement Value	(e) Interest Rate	(f) Monthly Paymt& Estimate Term**
Santander Consumer	Motor Vehicle: 2004 Ford F-150 W/ 56,000 miles	11/2006	13,300.00	3.25%	216.96 60 months

**** THE MONTHLY PAYMENT STATED HERE SHALL BE THE ADEQUATE PROTECTION PAYMENTS PURSUANT TO 1326(a)(1)(C) TO THESE CREDITORS UNLESS OTHERWISE PROVIDED IN PARAGRAPH 11 OR BY SEPARATE ORDER OF THE COURT.**

C. **Collateral to be surrendered.** Upon confirmation of the plan, or before, the debtor will surrender his or her interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled shall be paid as a non-priority unsecured claim. The order confirming the plan shall have the effect of terminating the automatic stay as to the collateral surrendered.

<u>Creditor</u>	<u>Collateral Description</u>	<u>Estimated Total Claim</u>	<u>Full Satisfaction (Y/N)</u>
-NONE-			

4. Unsecured Claims.

A. **Not separately classified.** Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately 10 %. If this case were liquidated under Chapter 7, the debtor(s) estimate unsecured creditors would receive a dividend of approximately 0 %.

B. **Separately classified unsecured claims.**

<u>Creditor</u>	<u>Basis for Classification</u>	<u>Treatment</u>
-NONE-		

5. Long Term Debts and claims Secured by the Debtor(s)' Primary Residence.

Creditors listed below are either secured by the debtor(s)' principal residence or hold a debt the term of which extends beyond the term of this plan.

A. **Debtor(s) to pay claim directly.** The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below.

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>	<u>Interest Rate</u>	<u>Estimated Cure Period</u>	<u>Monthly Arrearage Payment</u>
-NONE-						

B. **Trustee to pay the contract payments and the arrearages.** The creditors listed below will be paid by the Trustee the regular contract monthly payments during the term of this plan. The arrearage claims, if any, will be cured by the Trustee by payments made either pro rata with other secured claims or by fixed monthly payments as indicated below.

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>	<u>Interest Rate</u>	<u>Term for Arrearage</u>	<u>Monthly Arrearage Payment</u>
-NONE-						

6. Executory Contracts and Unexpired Leases. The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.

A. **Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts.

<u>Creditor</u>	<u>Type of Contract</u>
-NONE-	

B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

<u>Creditor</u>	<u>Type of Contract</u>	<u>Arrearage</u>	<u>Monthly Payment for Arrears</u>	<u>Estimated Cure Period</u>
-NONE-				

7. Motions to Avoid Liens.

A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. **Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien.** If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u>	<u>Collateral</u>	<u>Exemption Basis and Amount</u>	<u>Value of Collateral</u>
-NONE-			

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for informational purposes only.

<u>Creditor</u>	<u>Type of Lien</u>	<u>Description of Collateral</u>	<u>Basis for Avoidance</u>
-NONE-			

8. Treatment of Claims.

- All creditors must timely file a proof of claim to receive payment from the Trustee.
- If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the plan, the creditor may be treated as unsecured for purposes of distribution under the plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
- If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the plan.

9. Vesting of Property of the Estate. Property of the estate shall vest in the debtor(s) upon confirmation of the plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, or encumber real property without approval of the court.

10. Incurrence of indebtedness. During the term of the plan, the debtor(s) shall not voluntarily incur additional indebtedness in an amount exceeding \$5,000 without approval of the court.

11. Other provisions of this plan:

I. Adequate Protection - Creditors with allowed secured claims provided for in Section 3.A. & 3.B. shall be paid monthly adequate protection payments through the Chapter 13 Trustee until Plan confirmation as follows:
Santander \$120.00
GEMB/American Honda Card \$30.00

II. Direct Payments on Long-Term Debts
Direct payment for the following creditor:

Creditor: Student Loan Servicing

Under 11 U.S.C. Section 1322(b)(5), since the last payment on the claim is due after the date on which the final payment under the plan is due, the debtor can maintain regular payments while in the plan.

Signatures:

Dated: September 14, 2009

/s/ Ottis Johnson Brown, Jr.
Ottis Johnson Brown, Jr.
Debtor

/s/ Sharon Choi Stuart VSB
Sharon Choi Stuart VSB 45026
Debtor's Attorney

Exhibits: Copy of Debtor(s)' Budget (Schedules I and J);
Matrix of Parties Served with plan

Certificate of Service

I certify that on September 14, 2009, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

/s/ Sharon Choi Stuart VSB
Sharon Choi Stuart VSB 45026
Signature

P.O. Box 11588
Richmond, VA 23230-1588
Address

(804) 358-9900
Telephone No.

Ver. 06/28/06 [effective 09/01/06]

In re Ottis Johnson Brown, Jr.Case No. 09-35871-KRH

Debtor(s)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S):	AGE(S):
Separated	None.	
Employment:	DEBTOR	SPOUSE
Occupation	Truck Driver	
Name of Employer	Self Employed	
How long employed	Since 2003	
Address of Employer		

INCOME: (Estimate of average or projected monthly income at time case filed)

1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)
 2. Estimate monthly overtime

DEBTOR	SPOUSE
\$ <u>0.00</u>	\$ <u>N/A</u>
\$ <u>0.00</u>	\$ <u>N/A</u>

3. SUBTOTAL

\$ <u>0.00</u>	\$ <u>N/A</u>
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4. LESS PAYROLL DEDUCTIONS

\$ <u>0.00</u>	\$ <u>N/A</u>

5. SUBTOTAL OF PAYROLL DEDUCTIONS

\$ <u>0.00</u>	\$ <u>N/A</u>
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6. TOTAL NET MONTHLY TAKE HOME PAY

\$ <u>0.00</u>	\$ <u>N/A</u>
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7. Regular income from operation of business or profession or farm (Attach detailed statement)
 8. Income from real property
 9. Interest and dividends
 10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above
 11. Social security or government assistance
 (Specify): _____

\$ <u>6,000.00</u>	\$ <u>N/A</u>
\$ <u>0.00</u>	\$ <u>N/A</u>
\$ <u>0.00</u>	\$ <u>N/A</u>
\$ <u>0.00</u>	\$ <u>N/A</u>

12. Pension or retirement income

\$ <u>0.00</u>	\$ <u>N/A</u>
\$ <u>0.00</u>	\$ <u>N/A</u>
\$ <u>0.00</u>	\$ <u>N/A</u>

13. Other monthly income

\$ <u>0.00</u>	\$ <u>N/A</u>
\$ <u>0.00</u>	\$ <u>N/A</u>

(Specify): _____

14. SUBTOTAL OF LINES 7 THROUGH 13

\$ <u>6,000.00</u>	\$ <u>N/A</u>
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15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)

\$ <u>6,000.00</u>	\$ <u>N/A</u>
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16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

\$ <u>6,000.00</u>

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

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Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)	\$ <u>300.00</u>
a. Are real estate taxes included? Yes <u> </u> No <u>X</u>	
b. Is property insurance included? Yes <u> </u> No <u>X</u>	
2. Utilities:	
a. Electricity and heating fuel	\$ <u>68.00</u>
b. Water and sewer	\$ <u>0.00</u>
c. Telephone	\$ <u>0.00</u>
d. Other <u>Cell Phone</u>	\$ <u>250.00</u>
3. Home maintenance (repairs and upkeep)	\$ <u>0.00</u>
4. Food	\$ <u>250.00</u>
5. Clothing	\$ <u>0.00</u>
6. Laundry and dry cleaning	\$ <u>0.00</u>
7. Medical and dental expenses	\$ <u>25.00</u>
8. Transportation (not including car payments)	\$ <u>250.00</u>
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$ <u>96.00</u>
10. Charitable contributions	\$ <u>25.00</u>
11. Insurance (not deducted from wages or included in home mortgage payments)	
a. Homeowner's or renter's	\$ <u>0.00</u>
b. Life	\$ <u>0.00</u>
c. Health	\$ <u>0.00</u>
d. Auto	\$ <u>255.91</u>
e. Other	\$ <u>0.00</u>
12. Taxes (not deducted from wages or included in home mortgage payments) (Specify) <u>Personal Property</u>	\$ <u>50.00</u>
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)	
a. Auto	\$ <u>0.00</u>
b. Other	\$ <u>0.00</u>
c. Other	\$ <u>0.00</u>
14. Alimony, maintenance, and support paid to others	\$ <u>250.00</u>
15. Payments for support of additional dependents not living at your home	\$ <u>0.00</u>
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$ <u>3,554.25</u>
17. Other <u>Haircuts and Personal Grooming</u>	\$ <u>25.00</u>
Other <u>Miscellaneous Expense</u>	\$ <u>125.00</u>
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	\$ <u>5,524.16</u>
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:	
20. STATEMENT OF MONTHLY NET INCOME	
a. Average monthly income from Line 15 of Schedule I	\$ <u>6,000.00</u>
b. Average monthly expenses from Line 18 above	\$ <u>5,524.16</u>
c. Monthly net income (a. minus b.)	\$ <u>475.84</u>

In re Ottis Johnson Brown, Jr.

Case No. _____

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)
Attachment A

Monthly Business Expenses

Fuel	\$2,600.00
Truck Insurance	\$456.00
Maintenance (tires, oil changes, washing, pm)	\$295.00
Tags	\$145.50
Heavy Highway Useage Tax	\$45.83
State Inspections	\$4.17
DOT Physical & Drug Screening	\$7.75
 TOTAL	 \$3,554.25

Office of the US Trustee
701 E. Broad Street
Room 4304
Richmond, VA 23219

Amy Thomas
24140 Old Vaughan Road
Dinwiddie, VA 23841

Capital 1 Bank
PO Box 30285
Salt Lake City, UT 84130

Chase
Attn: Bankruptcy Dept
201 N. Walnut Street
Wilmington, DE 19801

Colonial Companies
1833 Commerce Road
Richmond, VA 23224

Commonwealth of Virginia
Dept of Tax/ Legal Unit
P.O. Box 2156
Richmond, VA 23218

Discover
P.O Box 3008
New Albany, OH 43054

FIA CSNA
PO Box 17054
Wilmington, DE 19884

Gemb/funancing
PO Box 981127
El Paso, TX 79998-1127

GEMB/Honda Card
P.O. Box 960061
Orlando, FL 32896

GEMB/JCP
Re: Bankruptcy
P.O. Box 981402
El Paso, TX 79998

Internal Revenue Service
Proceedings & Insolvencies
P.O. Box 21126
Philadelphia, PA 19114-0326

Internal Revenue Service
Insolvency Units - Rm. 898
400 N. 8th Street, Box 76
Richmond, VA 23219

Lendmark
142 Eastern Blvd
Essex, MD 21221

Lowe's
Attn: Bankruptcy Dept
P.O. Box 530914
Atlanta, GA 30353-0914

Mariner Finance
12654 Jefferson Davis Hwy
Chester, VA 23831

Ruth Brown
3608 Thompson Street
Richmond, VA 23222

Santander Consumer
PO Box 560284
Dallas, TX 75356

Sears Bankruptcy Recovery
Citibank USA Sears
PO Box 20363
Kansas City, MO 64195

Sovereign Bank
RE: Bankruptcy
1130 Berkshire Blvd; 3rd Floor
Wyomissing, PA 19610

Student Loan Servicing
P.O. Box 2461
Harrisburg, PA 17105

Suntrust Bank
RE: Bankruptcy
P.O. Box 791144
Baltimore, MD 21279-1144

THD/CBSD
CCS Gray Ops Center
P.O. Box 6491
Sioux Falls, SD 57117

Wells Fargo
One Home Campus
BK PMT PROC/MAC#X2302-04C
Des Moines, IA 50328